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ABSTRACT

Although data on sexual harassment in the community college is limited, it is clear that it does exist and that it runs counter to the colleges' educational mission. Sexual harassment has been defined as verbal or physical conduct of a sexual nature, imposed on the basis of sex, that denies, limits, or provides different treatment. Recent legal developments, such as Title IX of the 1972 Educational Amendments, dictate that colleges and universities create clear policies and procedures to deal with alleged incidents of sexual harassment. As such, colleges should be aware of the behaviors that can lead to sexual harassment, such as situations where power held by virtue of gender, rank, or role create an unequal relationship. For example, behaviors based on a "quid pro quo" relationship represent harassment, as does the creation of a hostile environment for an individual. In working to prevent sexual harassment, five elements have been proposed by the American Council on Education, including a definition of sexual harassment, a string policy statement indicating intolerance of such behavior, effective communication with those involved or subject to related provisions, education for everyone, and an accessible grievance procedure. Research has shown that the implementation of a policy including these elements can have a noticeable effect on the incidence of sexual harassment. (TGI)

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# ERIC Digest

By

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Digest

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# Addressing Sexual Harassment on Campus

by Jonathan Holub

Although statistical data on the incidence of sexual harassment at community colleges are limited, two things are clear. First, sexual harassment does occur on community college campuses. Second, it is obviously in serious conflict with the college's educational mission, and must be addressed and eliminated.

A definition of sexual harassment varies depending on context. Ethical perspectives can dictate a definition that is somewhat broader than a legal definition. However, legal and ethical definitions overlap and are constantly evolving pursuant to current developments on campuses, in industry, and in the courts. This Digest examines the need for clear definitions in order to address the problem of sexual harassment and discusses some of the remedies being implemented to create and maintain an hospitable educational community for all students. Community colleges, as integral members of the higher education system, must address the realities of sexual harassment with the utmost seriousness, or they will face the inevitable consequences of costly litigation, public embarrassment, and the unacceptable degradation of students, staff, and faculty.

**What Constitutes Sexual Harassment?**

One important definition of sexual harassment is provided by the Equal Employment Opportunity Commission: "sexual harassment consists of verbal or physical conduct of a sexual nature, imposed on the basis of sex... that denies, limits, or provides different... treatment." (Dey, Korn, and Sax, 1996). An example of what is considered sexual harassment at institutions of higher learning comes from this excerpt from the University of Iowa's Sexual Harassment Policy:

- Physical assault; physical touching of any kind that is sexual in nature;
- Direct or implied threats that submission to sexual advances may favorably affect employment, work status, promotion, grades, or letters of recommendation, or that rejection of sexual advances may produce a negative effect;
- Direct propositions of a sexual nature;
- Subtle pressure for sexual activity, one element of which may be conduct such as repeated or unwanted staring;
- A pattern of conduct that tends to bring discomfort and/or humiliation, which may include comments of a sexual nature, or sexually explicit jokes, statements, questions, or anecdotes;
- A pattern of conduct that would tend to bring discomfort or humiliation to a reasonable person at whom the conduct was directed, which may include unnecessary touching, patting, hugging, or brushing against a person's clothing or body, or remarks about sexual activity or speculations about previous sexual experience.

Some of these acts are offenses punishable by law. Others relate to ethical considerations of the academic workplace. All behaviors mentioned can result in costly civil action.

In the legal arena, recent developments have dictated that colleges and universities create clear policies to deal with alleged incidents of sexual harassment. Title IX of the Educational Amendments of 1972 requires institutions to establish documents that enumerate the policies and procedures to be followed in cases of alleged sexual harassment of students.

A range of behaviors can lead to sexual harassment, especially where issues of power held by virtue of gender, rank (i.e., interaction between senior faculty and administrative staff), or role (i.e., faculty and student) create an unequal relationship. Harassment occurs when behavior is based on a quid pro quo relationship -- for example, a professor promises a better grade to a student in return for an intimate or sexual relationship. Another category of harassment behavior creates a hostile environment for an individual. The Supreme Court, in a 1986 case (Meriter Savings Bank, FSB v. Vinson) defined sexual harassment as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature... when (1) submission to or rejection of such conduct is made explicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis of employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably

interfering with an individual's work performance or creating an intimidating or offensive working environment." This definition, when applied to the academic realm, has obvious and powerful implications for many types of relationships within academia.

Harassment can result from both welcome and unwelcome acts and can involve persons in both lateral and vertical professional relationships. For example, a professor and an adult student may have a consensual sexual relationship. Despite the fact that the relationship is legal in the eyes of the law by virtue of its consensual nature, many colleges are adopting the stance that it is nonetheless unethical behavior on the part of the professor, given the inequity of power in the relationship.

**Remedies**

The American Council on Education (ACE) has stated that each "institution has the obligation for moral as well as legal reasons, to develop policies, procedures, and programs that protect students and employees from sexual harassment and to establish an environment in which such unacceptable behavior will not be tolerated" (p.2). ACE endorses the following five elements as potentially beneficial when creating effective sexual harassment policies and procedures:

1. A definition of sexual harassment;
2. A strong policy statement indicating intolerance of sexual harassment;
3. Effective communication with those involved or with those subject to the provisions;
4. Education for everyone;
5. An accessible grievance procedure (Dozier, 1990; Wagner, 1990).

There is evidence to indicate that the implementation of a policy which integrates the above elements will have a noticeable effect on the incidence of sexual harassment on campus. A study conducted by Williams, Lam, and Shivery at the University of Massachusetts at Amherst (1992) states: "...the evidence suggests that the [decline in] reports of sexual harassment of women students by University faculty and staff represents a real change in the behavior of University employees, and this change most likely occurred in response to the University's sexual harassment policy and grievance procedure" (p. 61). The study indicates that those schools that report decreased incidents of sexual harassment have made creating awareness of the problem a top priority. The change in behavior occurring "in response" to the University of Massachusetts at Amherst's policy, for example, is possible only when people in the academic community are made aware that policies and procedures exist.

**Conclusion**

Recent developments in addressing the issue of sexual harassment makes two things very clear for colleges and universities: neither society at large, nor the legal system, will tolerate a passive approach to curbing sexual harassment on campus. It is imperative that community colleges make concerted efforts to address and remedy sexual harassment within their classrooms and offices -- not just to avoid the threat of social stigma or legal proceedings, but to protect the integrity of the institution and the well-being of its students, faculty, and staff. Experience suggests that the best method for approaching the issue of sexual harassment at community colleges is to develop clear and respected policies for dealing with complaints and, most importantly, educating the entire campus community about sexual harassment and its consequences.

**References**

Most of the material for the Digest was drawn from "Sexual Harassment in Higher Education: From Conflict to Community." ASHE-ERIC Higher Education Reports--Report Two by Robert O. Riggs, Particia H. Murrell, and Joann C. Cutting, 1993.

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